THE REGIONAL MUNICIPALITY OF WATERLOO

DEVELOPMENT CHARGES

January, 1983

The following brings together a series of motions of Regional Council setting up the Regional Development Charges to be collected by the Region. The motions are summarized below.

1. In May 1976 the Regional Council approved the collection of a Regional Development Charge.

2. In August and November 1976, the Regional Council approved regulations for the process of imposing and collecting Regional Development Charges.

3. In June 1977, Regional Council increased the amount of the Regional Development Charge. A number of revisions have been incorporated into the policy.

4. The Regional Development Charge will be collected on development under plans of subdivision and land severances approved under Section 36 and 29 of The Planning Act, R.S.O. 1980.

I. THE CHARGES

5. The following Development Charge be imposed on development under plans of subdivision, land severances, zonings and variances;

   A. A levy for each Residential Unit or Lot created by development as follows:

      $300 per unit for Regional Roads

      $500 per unit for Regional Roads and (Water or Sewer)

      $700 per unit for Regional Roads and Water and Sewer.

B. A levy of 10¢ per square foot or $1.08 per square metre of land area rezoned for all commercial uses to be collected on the basis of services received as follows:

- 1/3 of Development Charge for Regional Roads
- 1/3 of Development Charge for Regional Water
- 1/3 of Development Charge for Regional Sewage

and that the charges will apply if the services are contained in the Area Municipalities' five-year capital forecast.

6. The definition of a commercial zone will be the definition in each area municipal zoning by-law.

7. Motels and hotels, due to their commercial nature will be subject to the following Regional Development Charge:

10¢ per square foot

or

$1.08 per square metre of land area

8. That an exemption from the Regional Development Charge will be provided to projects funded under the Provincial Inno-Rent Program.

9. Where any building over 50 years old is being rehabilitated and for any reason the owner is required to apply for a change in the zoning by-law, a variance to the zoning by-law or a severance to implement the rehabilitation program, that the Regional Development Charge be waived.

II. PLANS OF SUBDIVISION

10(a) That for plans of subdivision submitted prior to August 1, 1977, which are draft approved prior to July 1, 1982, the Regional Development Charge be increased at the time of extension of draft approval based on the following schedule:

Increase in Regional Development Charge	Total Increase	One Year Increase	Phase in Duration
(1) R.D.C. from $300.00 to $700.00 per unit	$400.00	$200.00 $200.00	2 years
(2) R.D.C. from $0 to $700.00 per unit	$700.00	$300.00 - 1 yr. $200.00 - 1 yr. $200.00 - 1 yr.	3 years
(3) R.D.C. from $100.00 to $300.00 per unit	$200.00	$200.00	1 year
(4) R.D.C. from $0 to $300.00 per unit	$300.00	$100.00 $200.00	2 years

(b) That for plans of subdivision submitted prior to August 1, 1977 and not draft approved by July 1982 that the Regional Development Charge be increased to the current rate based on the Schedule in 10(a).

11. Deleted by Regional Council.

12. All blocks and/or lots in a subdivision other than those to be used for public, institutional and industrial uses are subject to the Regional Development Charge. Senior Citizen units in all zones and commercial uses legally permitted in Industrial zones are not subject to the Regional Development Charge.

13. Where existing registered residential lots or blocks are resubdivided by plan of subdivision or by consent to sever, a Regional Development Charge will be levied only in the following instances:

(a) where the effect of the resubdivision or severance is to permit an increase in the density of development as compared to that which was previously approved. The levy to be applied shall be calculated only against the increased number of available residential lots or units, as the case may be, based on the Regional Development Charge in effect when the subject

resubdivision is accepted by the Regional Municipality; or

(b) where it is proven that Regional services are required for the physical development of the subject lands in the resubdivision.

14. The Regional Development Charge will be collected for multiple residential development based on the maximum allowable density calculated from the relevant Municipal Zoning By-laws, subject to review by Council on applications by the owner/developer where it is deemed that the application of the maximum charge has inequitable consequence on actual development.

15. In subdividing land from an agricultural use and the old farm house is retained on a specific lot within the new subdivision, NO Regional Development Charge will be levied on this specific lot.

16. Regional Development Charges will be calculated by the Department of Planning and Development and included as a condition at draft approval stage by the Regional Council to be collected by the Region prior to final approval (registration), subject to Clauses 9 and 10.

17. On plans of subdivision the applicant will enter into an agreement with the Regional Municipality of Waterloo to be registered on title and signed by any mortagees to pay the Regional Development Charge prior to receipt of a building permit.

The Regional Development Charge will be paid to the Regional Finance Department as part of the Building Permit application procedures of the Area Municipalities.

III. ZONINGS

18. Zoning applications and zoning by-laws received by the Region after August 1, 1977 will be subject to the Regional Development Charge and the development charge must be deposited with the Region prior to the Regional Council forwarding its comments to the Ontario Municipal Board, subject to Clause 10.

19. The Regional Development Charge does not apply to zoning by-laws that are implementing plans of subdivision if the subject subdivision application is received by the Region prior to August 1, 1977.

20. Where existing residentially zoned lands are the subject of rezoning for residential purposes, a Regional Development Charge will be levied only in the following instances:

    (a) Where it is proposed to increase the number of residential units permitted in the existing zoning by-law a levy will be made against the increased number of residential units based on the Regional Development Charge in effect when the zoning by-law application is received by the Regional Municipality or,

    (b) When it is proven that Regional services are required for the physical development of the subject lands.

21. Deleted

22. The Regional Development Charge will be collected for multiple residential development based on the maximum allowable density calculated from the relevant Municipal Zoning By-laws subject to review by Regional Council on application by the owner/developer where it is deemed that the maximum charge is greater than the charge applied to the number of residential units to be actually constructed.

23(a) Where land is commercially zoned the Regional Development Charge will <u>not</u> be charged where the zone remains the same but a new commercial use is added by a notwithstanding clause to the existing zone.

    (b) Where a specific commercial use is already permitted by a notwithstanding clause by-law and where a rezoning to a different specific commercial use is requested, the Regional Development Charge will <u>not</u> apply.

    (c) Where land is commercially zoned and where a rezoning is required to bring a zone into conformity with an Official Plan, the Regional Development Charge will <u>not</u> be levied where:

        (i) there is no change in land area; and

        (ii) any additional permitted uses are the same as or similar to existing permitted uses.

24. Where existing commercially zoned land is being increased in land area by a zoning by-law and either NO Regional Development Charge or a Regional Development Charge was levied on the existing zoned lands, a Regional Development Charge will be levied only on the extended land area.

25. Where a zoning by-law amendment is requested for a new commercial use to be permitted in a residential, agricultural or any zone other than commercial, the Regional Development Charge will be applied.

26. Where a zoning by-law amendment permits a mixture of residential and commercial uses, both the residential and commercial Regional Charge will be levied in conformity with the relevant paragraphs above.

"Where the application is for public, industrial or institutional purposes, no Regional Development Charge is applicable. (This includes public and private Senior Citizen housing)."

27. Regional Development Charges will be calculated by the Department of Planning and Development and levied against zoning by-laws at the time they are recommended by the Regional Council to the Ontario Municipal Board for approval to be collected by the Region prior to the Regional Council forwarding their comments on zoning by-law to the Ontario Municipal Board for approval subject to Clause 18.

28. The Regional Development Charge will be paid to the Regional Finance Department as part of the Regional Department of Planning and Development Clearance procedure.

29. The Region will advise the Ontario Municipal Board to approve the zoning by-law when the Development Charge has been received and all other conditions have been satisfied.

30. That where a zone change is applied for affecting lands owned by an Area Municipality or public or institutional agency, the Regional Development Charge may not be immediately payable. Rather, the Region and the Area Municipality or agency shall enter into an agreement to be registered on title and to provide that the Regional Development Charge in effect at the time of the sale of the land be payable to the Area Municipality or agency on behalf of the Regional Municipality of Waterloo to be submitted to the Regional Finance Department at the time when the Area Municipality, public, or institutional agency sells the land for other than public purposes.

IV. SEVERANCES

31. Land severance applications received after August 1, 1977 will be subject to the Regional Development Charge.

32. For resubdivision of residential lots or blocks by land severance, Policy 13 applies.

33. Where an application is made to the Land Division Committee for the approval of a mortgage or lease only on the whole or part of a lot, then NO Regional Development Charge will be made.

34. Where existing commercial lots or blocks are resubdivided by severance, a Regional Development Charge will only be levied in the following instances:

    (A) where the severance would allow an increase in the intensity of the use of the entire block; or

    (B) where it is proven that Regional services are required for the physical development of the subject lands in the subdivision.

35. When a new farm is created from an existing large farm, the new farm lot, if no residential unit is located thereon, will be subject to the Regional Development Charge. If there were two houses originally and after the farm split, a house is located on each farm lot, NO Regional Charge will be levied.

36. Where the zoning regulations permits more than one rural farm residential unit per farm and only a building permit is required NO Regional Development Charge will be levied.

37. When part of one farm lot is severed to join onto an adjoining farm lot and then one deed is created, NO Regional Development Charge will be levied. If the lot is retained as a separate lot, a Regional Development Charge is levied in conformity with No. 34 above.

38. Lots created by severance other than those for public, insitutional and industrial uses are subject to the Regional Development Charge. This includes Senior Citizen units.

39. Regional Development Charges will be calculated by the Department of Planning and Development and the Land Division Committee will be requested to levy the charge against land severances at the time they are considered by the Regional Land Division Committee to be collected by the Region prior to deeds being signed by the Secretary of the Land Division Committee.

40. The Regional Development Charge will be paid to the Regional Finance Department as part of the Regional Department of Planning and Development Clearance procedure for severances.

V. VARIANCES

41. Committee of Adjustment applications received after August 1, 1977 will be subject to Regional Development Charges.

42. Committees of Adjustment will be requested to impose Development Charges on all variances which involve increased density.

43. Where residential density is being increased through a variance, beyond what is provided for in the existing zoning by-law, the increased number of units that will be permitted by the variance will be subject to the Regional Charge.

44. Where the land is zoned commercially and a number of commercial uses are listed as permitted uses and a variance to a zoning by-law is made adding further commercial uses to the permitted list, NO Regional Development Charge will be levied. NO Regional Development Charge will be made where a variance does not increase the size of the existing land area subject to the change.

    Where the application is for public, industrial or institutional purposes, no Regional Development Charge is applicable. (This includes public and private Senior Citizen housing).

45. Where a variance is requested for a new commercial use to be permitted in a residential, agricultural, or any zone other than commercial as part of a residential unit, the Regional Development Charge of 10¢ per square foot or $1.08 per square metre of land area will be levied.

46. Commercial uses created through variances where the land area is being increased from what existed will be subjected to the Regional Development Charge at 10¢ per square foot or $1.08 per square metre of land area created.

47. Regional Development Charges will be calculated by the Department of Planning and Development and levied against variances at the time they are considered by the Area Municipality's Committee of Adjustment.

48. The Regional Development Charge will be paid to the Regional Finance Department as part of the Regional Department of Planning and Development Clearance procedure for variances.

49. The Secretary of the Committee of Adjustment will be advised by the Regional Department of Planning and Development to issue final approval when the Development Charge is approved.

VI. CONDOMINIUMS

50. Effective March 23, 1978, the Regional Development Charge will not be levied on condominium applications for either new development or conversions of existing development where, at the time the application for condominium approval is received by the Regional Municipality, the subject lands are properly zoned and the development is on a legally separated lot, block or parcel of land. Notwithstanding this provision, Development Charge with regard to condominium applications will be levied and retained on all new subdivisions, zone changes and land severances in accordance with the Regional Development Charge policy.

Part Lot Control Exemption By-laws

The application under a part lot control exemption by-law is exempt from the Regional Development Charge where the lots to be created (semi-detached, street townhousing, zero lot line) are properly zoned at the time of the application and the application implements a registered subdivision plan.

VII. SPECIAL ARRANGEMENTS

51. That nothing in the Development Charge policy is intended to prevent the Regional Council from making special arrangements in addition to the lot levy for large unique developments such as shopping centres. Such special arrangements may include one hundred percent of the cost of the whole or a part of Regional Roads, including the grading, paving, shoulders, culverts, storm drainage, etc., as well as necessary services to provide the water supply, sewage disposal and land drainage of Regional responsibility. Such special arrangements will also take into account the number of land owners involved at the time said developments are being considered by Regional Council.

Where special charges are levied according to the Regional Development Charge Policy applicable to applications received prior to August 1, 1977, the Developer and/or Applicant have a choice in paying the Regional Development Charge plus the Special Charge or paying the new Regional Development Charge of $700/$300 per unit.

VIII. COLLECTION PROCESS

52. Regional Development Charges will be calculated and monitored by the Department of Planning and Development and included as a Regional condition prior to any approvals given, to be levied against:

(a) Subdivision Plans at the draft approval stage by Regional Council to be secured by an agreement registered on title prior to final approval (registration).

(b) Zoning By-laws at the time they are recommended by the Regional Council to the Ontario Municipal Board for approval to be collected by the Region prior to the Regional Council forwarding their comments on the zoning by-law to the Ontario Municipal Board for approval.

(c) Land Severances at the time they are considered by the Regional Land Division Committee to be collected by the Region prior to deeds being signed by the Secretary of the Land Division Committee.

(d) Variances at the time they are considered by the Area Municipal Committee of Adjustment, to be collected by the Region prior to release of the approval by the Secretary of the Committee of Adjustment.

53(a) On all lots and blocks in all new subdivisions, the Region may accept cash or enter into an agreement with the applicant as a condition of draft approval with respect to the payment of the Regional Development Charge prior to issuance of a building permit.

The agreement shall be consented to by all mortgagees and shall be registered on title.

53(b) On rezoning applications where the Regional Development Charge is $3,000.00 or more, the applicant may enter into an agreement with the Region prior to final comments being sent to the Ontario Municipal Board which sets out the terms of payment of the charge related to the zoning by-law. This agreement shall be secured by a letter of credit satisfactory to the Regional Solicitor. The agreement shall provide for payment of the charge prior to the issuance of a building permit and the letter of credit shall permit partial drawings to maintain security on any outstanding balance.

53(c) Policy relating to mortgages deleted.

53(d) Policy on Letters of Credit

(i) The letter of credit shall be in a format satisfactory to the Regional Solicitor, with the principal owing in a lump sum as modified by 53(d)(ii) and cashed on a specific date but not later than two years from the date of registering the plan of subdivision or final approval of the Zoning By-law.

(ii) The letter of credit shall be for a period of six months and may be renewed on a declining basis, such that the amount paid is at least one-quarter of the original balance or as determined in (iii) and (iv), without further Council approval for a total period of two years.

(iii) In the case of a subdivision, the amount of the letter of credit shall be reduced as building permits are issued in the preceding six months.

(iv) In the case of a Zoning By-law the letter of credit shall not be extended after a building permit has been issued.

(v) The applicant shall enter into an agreement with the Region as a condition of approval, with respect to the letter of credit, which sets out the terms of payment of the charge.

54. The Regional Department of Planning and Development will complete the Development Charge Form, attached as Exhibit A, initialled either by the Commissioner of Planning and Development or the Director of Development, and forward one copy to the applicant and one copy to the Clerk of the relevant Area Municipality. The amount can be included in the Area Municipality *conditional approvals*.

55. The remaining copies of the Development Charge Form will be distributed to the Regional Finance Department which will distribute them as follows:

    Copy 3 - Accounts Receivable

    Copy 4 - Regional Land Division Committee,
    Regional Department of Planning
    and Development,
    Area Municipal Committee of Adjustment
    when levy is collected.

    Copy 5 - Planning and Development Department
    when levy is collected.

    Copy 6 - Numerical file upon issuance.

56. When levy is received by the Regional Finance Department, receipted copies 4 and 5 will be distributed as evidence of compliance with Regional condition.

57. Payment may be made in person or by mail to the Regional Finance Department, 4th Floor, Marsland Centre, Waterloo, Ontario.

58. Development Charges, when collected, will be placed in a reserve account to be used for capital expenditures as Regional Council may direct, but limited to the general areas of Regional Water Works, Sewage Works and Road Systems.

59. Regional Development Charge calculations will be forwarded to Area Municipalities, as part of the Regional processing of zoning by-laws for inclusion in the Area Municipal conditions of approval, subject to the Region holding the Area Municipality harmless if legal action is undertaken against the Area Municipality relative to the Area Municipality placing the Regional Development Charge in their conditions of approval for zoning by-laws.

60. The Area Municipality will be requested to include in its conditions of approval of zoning by-law amendments, a standard condition worded as follows:

    "That the applicant agrees to file with the Municipal Clerk's office a letter from the Regional Municipality of Waterloo, evidencing that all requirements of the Regional Municipality with respect to any development charge have been complied with prior to the Region forwarding their comments to the Ontario Municipal Board."

The Land Division Committee and Committees of Adjustment will be required to place a similar statement in their conditional approvals.

The subdivision process is one that does not require such a statement as the Region collects directly.

61. In the event that a zoning by-law is appealed to the Ontario Municipal Board, the applicant's solicitor shall undertake in writing with the Regional Solicitor that the Regional Development Charge will be paid to the Regional Municipality prior to the Ontario Municipal Board issuing the final order approving the zoning by-law. The Regional Municipality will advise the Ontario Municipal Board at the hearing of this condition.